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**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, DC**

Served: December 26, 2000

NOTICE

U.S.-France Third-Country Code-Share Opportunities (2001)

Under the June 1998 aviation agreement between the United States and France, the United States may, effective April 2001, choose one of the following two rights: (a) designate a fourth U.S. carrier to operate code-share services via an intermediate third-country;¹ or (b) allocate one additional codeshare to one of the three airlines already designated for code-share operations via intermediate third countries.²

On October 27, 2000, Delta Air Lines filed a joint application, in **Docket-2000-8207**, with Czech Airlines for a Statement of Authorization to conduct code-share operations, including service beyond the Czech Republic to Lyon and Paris, France. United Air Lines and Continental Airlines filed answers to the application, Delta filed a reply, and United filed an additional response. All three carriers urge the Department to initiate a proceeding so that one of the additional U.S.-France code-share opportunities may be awarded expeditiously, thereby enabling the selected carrier to inaugurate service by the April 1, 2001, availability date.

Against this background, and given the expressed interest of more than one U.S. carrier in using one of the available code-share opportunities, we request by this notice that all U.S. air carriers interested in making use of one of the April 2001 third-country code-share opportunities described above file applications for 2001 services with the Department no later than January 5, 2001. Answers to such applications should be filed January 12, 2001. Replies to answers should be filed January 17, 2001.

Carriers without requisite operating authority should file exemption/designation applications and requests for statements of authorization to serve the affected markets in conjunction with the foreign code-share carrier(s) involved. Carriers with the requisite underlying authority and statements of authorization need only file requests for the available code-share opportunity. All applications should include, at a minimum, the following information: (a) the proposed startup date; (b) the markets to be served, including the number and identity of U.S. cities that would receive nonstop-to-nonstop connections in the U.S.-France market, and the total elapsed travel time (including layover time) for each flight between each initial point of origin and each final destination in both directions (*i.e.* provide a total elapsed round-trip travel time for each city pair and break-out subtotals for the elapsed times on the U.S. to France flights and the France to U.S. flights); (c) the number of frequencies to be provided between the U.S. and France and the duration of service if not provided on a year-round basis for each leg of the flights; (d) type of aircraft, including the number of seats, to be used between the U.S. and the

¹American Airlines, Inc., United Air Lines, Inc., and Northwest Airlines, Inc. are currently authorized to provide third-country code-services. (See Order 98-6-5 and Notice of Action Taken dated February 3, 2000, in Docket OST-99-6540)

²Currently, the codeshares authorized are Northwest/KLM, Northwest/Alitalia, American/Sabena, American/Swissair, and United/Lufthansa.

operating each leg of the flights; (f) existing authority held to conduct the operations, if applicable; and (g) assurance that the U.S. air carrier applicant has provided or will provide the Department with the Compliance Statement referred to in Section IV of the DOT *Code-Share Safety Program Guidelines* (issued February 29, 2000) concerning a safety audit of the foreign air carrier(s) involved. In addition, carriers must provide as a part of their applications, copies of the relevant cooperative service arrangements, if not already on file with the Department. Applicants are free to submit any additional information that they believe will help us in making our decision.

Except for the procedural dates, exemption applications should conform to part 302, Subpart C of our regulations (14 CFR Part 302). All applications (for operating authority and/or designation) should be filed with the Department of Transportation, Dockets and Media Management, Room PL-401, 400 Seventh Street, SW, Washington, DC 20590.³ As noted above, Delta Air Lines has already filed a joint application on November 13, 2000, in **Docket-2000-8207**, with Czech Airlines for a statement of authorization to conduct code-share operations, including service beyond the Czech Republic to Lyon and Paris, France. However, Delta should, if necessary, update its application with the information requested in this notice by the established application date, or file a new application, making clear whether such new application supersedes that which was previously filed, or is intended to supplement that which has already been filed.

We intend to allocate one of the available opportunities based on the applications and responsive pleadings filed in response to this notice. Should comparative selection among applicants be necessary, we intend to make our decision using written, show-cause procedures in accordance with Part 302 of our regulations (14 CFR Part 302).

We will authorize service of documents by facsimile and by electronic mail. Carriers that are interested in such service, however, should state if they want service by email and should provide interested parties with their fax number and/or email address.

We will serve this notice on all U.S. certificated air carriers operating large aircraft.

By:

PAUL L. GRETCH
Director
Office of International Aviation

(SEAL)

Dated: **December 20, 2000**

*An electronic version of this document is available on the World Wide Web at
http://dms.dot.gov/reports/reports_aviation.asp*

³The original submission is to be unbound and without tabs on 8 1/2" x 11" white paper using dark ink (not green) to facilitate use of the Department's docket imaging system. In the alternative, filers are encouraged to use the electronic submission capability available through the Dockets/DMS Internet site (<http://dms.dot.gov>) by following the instructions at the web site).